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REVISITING WESTPHALIA, DISCOVERING POST-WESTPHALIA*

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ABSTRACT. This article explores the structure of world order from the perspective of the Treaty of Westphalia, which is treated as the benchmark for the emergence of the modern system of sovereign states. Emphasis is placed on Westphalia as historical event, idea and ideal, and process of evolution, and also on developments that supersede this framing of world politics, especially, globalization and the megaterrorist challenge of September 11, 2001. At issue is whether the state system is resilient enough to adapt to new global conditions or is in the process of being supplanted, and whether the sequel to Westphalia is moving toward humane global governance or some dysutopic variant, or both at once.

KEY WORDS: cosmopolitan democracy, globalization, global empire, humane global governance, international law, megaterrorism, nation, regionalism, sovereignty, world government, world order

The undertaking of this article is to consider the historically ambiguous circumstances of world order as contextualized by macro-historical developments early in the 21st century, especially the overall impacts of the complex market-led phenomenon generally described as "globalization" and the more traumatic September 11, 2001, megaterrorist attacks on the US that have given rise to a resurgence of security-oriented geopolitics. What these two, seemingly, so disparate developments have in common, is their subversive impact on a structure of world order as long constituted overwhelmingly by the interplay of sovereign states. Both challenge in complementary ways the regulative capabilities of states in the face of profound challenges associated with the rise of the non-territorial potency of networked forms of information-based organization. These development have given rise to profound doubts about the continuing role of resource-based power that has dominated international diplomacy and foreign policy for the last several centuries.

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REVISITING WESTPHALIA

The Westphalian Benchmark

To comprehend the significance of a post-Westphalian framework for global politics, it is helpful to begin by clarifying the Westphalian reality to the extent possible. In brief, the Westphalian rubric is ambiguous in its usage as it serves both as a shorthand to designate a state-centric, sovereignty-oriented, territorially bounded global order and to identify a hierarchically structured world order shaped and managed by dominant or hegemonic political actors. In effect, the term "Westphalia" contains an inevitable degree of incoherence by combining the territorial/juridical logic of equality with the geopolitical/hegemonic logic of inequality.

But the problems of conceptualization extend further. "Westphalia" is simultaneously used to identify an *event*, an *idea*, a *process*, and *a normative score sheet.* As event, Westphalia refers to the peace settlement negotiated at the end of the Thirty Years War (1618–1648), which has also served as establishing the structural frame for world order that has endured, with modifications from to time to time, until the present. As idea, Westphalia refers to the state-centric character of world order premised on full participatory membership being accorded exclusively to territorially based sovereign states. As process, Westphalia refers to the changing character of the state and statecraft as it has evolved during more than 350 years since the treaties were negotiated, with crucial developments as both colonialism and decolonization, the advent of weaponry of mass destruction, the establishment of international institutions, the rise of global market forces, and the emergence of global civil society. As normative score sheet, Westphalia refers to the strengths and weaknesses, as conditioned by historical circumstances, of such a sovereignty based system, shielding oppressive states from accountability and exposing weak and economically disadvantaged states to intervention and severe forms of material deprivation. Each of these dimensions could be elaborated upon in great detail, but their essential relationship to what is the focus of this study, the contemporary interface and overlap between Westphalia and post-Westphalia does not depend on such a detailed exploration.[1]

This long established statist/hegemonic structure of world order had been preceded in thought and practice by a medieval conception that

[1] For illuminating interpretations of Westphalian multi-dimensionality, see Charles W. Kegley and Gregory A. Raymond, *Exorcising the Ghost of Westphalia: Building World Order in the New Millennium* (Upper Saddle River: Prentice Hall, 2002); G. John Ikenberry, *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order after Major Wars* (Princeton: Princeton University Press, 2001).

emphasized with greater consistency the interaction between Christian universalism establishing a normative community among Christians and territorial localism associated with various heterogeneous forms of political control arising from feudal land tenure and employment relations. This foundation for world order, besides being implicitly and operationally Eurocentric, also generated a sharp contrast in identity between the civilized "we" and the barbaric "them," which became formalized much later in the colonial era. The initial breakdown of this pre-Westphalian framework was partly a consequence of cleavages within Christianity, especially the Protestant break with Rome, and partly a consequence of the military and economic benefits of more centralized political actors with greater capabilities to mobilize resources and establish order within large, yet manageable, territorial units.[2]

This Westphalian system originated in Europe, formalized by treaties at the end of The Thirty Years War in 1648, but enlarged by stages to encompass the world, combining at each stage its statism (the logic of equality) with hegemonic actualities (the logic of inequality). The decades after World War II represented the climax of the Westphalian conception of world order, that is, the extension of the states system to Asia and Africa via the dynamics of decolonization, the continued control over global economic policy by states, a preoccupation by governments with security in relation to war and peace, and a geopolitical focus on "bipolarity" that reflected the centrality of the encounter between two superpowers and their respective blocs of subordinate allies.

This Westphalian world was juridically structured through the agency of such foundational norms of international law as the equality of states, sovereign immunity, and the doctrine of nonintervention. This juridical conception of international society *as statist* has also controlled membership and participation in all of the most significant international institutions. Only fully sovereign states are treated as possessing the qualifications for full membership and participation, although caucuses of groups of states and moves toward regional representation, especially for European Union (EU) countries have complicated the realities of global diplomacy. Matters of human rights, civil discord, and the choice of governing ideology are treated by the United Nations Charter exclusively matters of "domestic jurisdiction" in deference to the Westphalian frame of refer-

[2] On the emergence of the sovereign state and states system as the dominant form of political organization, see Hedrick Spruyt, *The Sovereign State and Its Competitors* (Princeton: Princeton University Press, 1994: for an assessment of its prospects under conditions of intensifying interdependence and declining capacity, see Joseph A Camilleri and Jim Falk, *The End of Sovereignty? The Politics of a Shrinking and Fragmenting World* (Cheltenham: Edward Elgar, 1992).

ence. Such deference can also be explained as a recognition of the limited capabilities of the UN, as the institutional expression of the organized international community. When these limits are not respected as has been arguably the case with respect to humanitarian diplomacy in the 1990s, the UN is ineffective, and its activities generate embittered criticism.[3]

This Westphalian model also effortlessly accommodated the realities of radical inequality among states in size, wealth, power, and international role. This inequality generated its own distinctive form of "global governance," relying on the performance of special managerial roles by leading state actors, known as "the Great Powers," and more recently discussed as "hegemonic geopolitics."[4] Such a model was historically conditioned by the evolutionary dynamics of a Eurocentric world that included imperial forms of multistate governance, and was gradually challenged in the 20th century by the rise of the US and the Soviet Union. These states emerged as the first "superpowers" in the era of the cold war, dominating tight alliances designed to deter expansion by their rivals while avoiding the onset of World War III and possessing weaponry of mass destruction that could be delivered to any part of the planet in devastating quantities. Since 1945 even the strongest states have been inherently vulnerable to catastrophic destruction as a result of the development of nuclear weaponry, and the means for its delivery in minutes from great distances. As of 2001 every state is vulnerable to attacks with weaponry of mass destruction, and there exist many actors that possess such a capability to some degree. With the end of the cold war, a further restructuring has led Westphalian realists to view the hegemonic position of the US as establishing "a unipolar moment" in the history of the states system, which is currently being sustained by a combination of economic, technological, diplomatic, cultural, and military instruments of influence. It is also being challenged in various ways by counter-movements and patterns of resistance. Such phenomena as the zero-casualty NATO War in 1999 over Kosovo and the US quest for nuclear ballistic defense and space-based weaponry manifest the practice and mentality

[3] For a severe critiques of the role of the UN in the Balkans and Rwanda during the height of peacekeeping diplomacy in the 1990s see David Rieff, *Slaughterhouse* (New York: Simon & Schuster, 1995); L.R. Malvern, *A People Betrayed: The Role of the West in Rwanda's Genocide* (London: Zed, 2000). As Malvern makes particularly clear, the UN must be understood as an agent of the main Western states, especially the US.

[4] See Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, 2nd ed. (London: Macmillan, 1995); Robert Gilpin, *War and Change in World Politics* (Cambridge: Cambridge University Press, 1981). For influential formulations; a more recent distinguished addition to this literature of statist endorsement is Robert Jackson, *The Global Covenant: Human Conduct in a World of States* (Oxford: Oxford University Press, 2000).

of unipolarity. It also reflects a geopolitical shift from a traditional Westphalian search for balance and countervailing power, and at most, military superiority, to a more controlling effort to establish and maintain dominance.[5]

It is important to note two further Westphalian features of world order. Against the background of Niccolò Machiavelli, Thomas Hobbes, and Karl von Clausewitz, the prevailing view of international society has been one in which the role of law and morality has been kept marginal in relation to statecraft and the shifting calculus of relative power. This marginality has been interpreted in the contemporary period by such thinkers as Hans Morgenthau, George Kennan, and Henry Kissinger on the basis of a skeptical view of human nature that is conditioned by ambition, fear, and selfishness, leading to a political orientation that regards security as virtually synonymous with "power," and an outlook toward conflict associated with differing forms and degrees of "realism." Such thinkers as E.H. Carr, Raymond Aron, Hedley Bull, and Robert Cox have modified the outlook of pure realism.[6]

These influential thinkers, although sharing a concern about the power of states, have many differences in emphasis, and outlook. For instance, Aron and Bull conceive of international virtue modestly as consisting of "prudence" in statecraft, as well as inferring from statism the existence of an "anarchical society," a minimal form of societal reality that depended upon a generalized recognition of the benefits of elementary forms of international cooperation arising from good faith compliance with international treaties, from customary respect for diplomatic immunities, and from a general willingness to abide by norms of nonintervention. Carr and Cox are more inclined to consider seriously alternative forms of future world order, based either on the relevance of "dreams" or on leverage that might be exerted over time by transnational social forces. The character of international society reflects the historical circumstances, including struggles between opposed worldviews, and evolves as these circumstances alter. Such an international society possesses limits of sociability, which if exceeded, lead to disillusionment. More specifically, realist patterns of thought conceive it to be futile and disillusioning to seek to prohibit recourse to force international life or to attempt to punish leaders of

[5] See Jan Lodal, *The Price of Dominance* (New York: The Council on Foreign Relations, 2001).

[6] For an analysis along these lines, see Richard Falk, "The critical realist tradition and the demystification of interstate power," in Stephen Gill and James H. Mittelman (eds.), *Innovation and Transformation in International Studies* (Cambridge: Cambridge University Press, 1997), pp. 39–55.

sovereign states for their transgressions against international law.[7] The Westphalian ethos has also generated variants of structural realism that relate behavioral features of international relations ahistorically to the way in which power is distributed among leading states. Such trust in the explanatory power of rational analysis is partly an effort to give the study of international relations a scientific basis. Realist critics imbued with classical approaches resting on the historical and conceptual interpretation of world politics, regard this effort to achieve scientific rigor as essentially misconceived because the subject-matter of international life is not susceptible to the abstraction needed to carry out experiments and deduce laws. This whole enterprise of scientific explanation, amounts in the end to little more than one more instance of a confusion of science with "scientism."[8]

To summarize, the Westphalian framework continues to contain dual reference points that encompass the equality of states under international law and the hierarchy of states in the actual operation of international relations. It is only by combining these contradictory ordering logics that the complex character of Westphalia is comprehended. The shared outlook of these two ideas relates to their focus on power either as the territorial sovereignty of the state or the geopolitical control of relations among states by way of hegemonic mechanisms (for instance, either Great Power diplomacy or superpower arrangements). To the extent that "failed states" exist within recognized territorial boundaries and to the degree that no state or states exercise leadership roles, the quality of Westphalian order tends to diminish. This quality can also be diminished by the emergence of militarist and dissatisfied states and by the suppression of human rights at home and aggression abroad. The Westphalian approach to world order tends toward the fulfillment of its *normative* potential when governance at the state level is internally moderate, democratic, and observant of human rights (including economic, social, and cultural rights) and when leading states are externally dedicated to the promotion of global public goods as well as to the preservation of their specific strategic interests. As a matter of historical experience, this normative potential has never been achieved, or even clearly and fully advocated, although the extent of failure

[7] Perhaps most clearly articulated in Hedley Bull, "The Grotian Conception of International Society," in Herbert Butterfield and Martin Wight (eds.), *Diplomatic Investigations: Essays in the Theory of International Politics* (London: Allen & Unwin, 1966), pp. 51–73; also see Raymond Aron, *Peace and War: A Theory of International Relations* (London: Weidenfeld & Nicolson, 1966); Robert W. Cox with Timothy J. Sinclair, *Approaches to World Order* (Cambridge: Cambridge University Press, 1996).

[8] For the most rigorous argument to this effect, see Kenneth Waltz, *Theory of International Politics* (New York: McGraw-Hill, 1979).

has varied over time.[9] Genocidal politics and major international and civil wars are indicators of extreme failure, as assessed by common Westphalian standards of performance.

The degree to which legal obligation deserves respect in international political life remains a matter of controversy. According to the Hobbesian variant of Westphalian realism, law can function *within* the state because an agency of enforcement exists, but *outside* the state there is no enforcing mechanism, it is a war zone that can be kept non-violent only by means of deterrence. Bull, in particular, challenged this view, suggesting that a distinctive form of sociability among states is an imperative of international life, but that the maintenance of security depends on leading states retaining discretion to use force in times and places of their choosing so as to maintain balance and stability among sovereign states.[10] Throughout the Westphalian period there existed counter-traditions that emphasized morality and law to a far greater extent, and envisioned the emergence of a normatively accountable global polity by stages. Such perspectives are often grounded in and inspired by Kant's seminal essay, *Perpetual Peace* (1795), which served as the starting point for such persisting perspectives as international liberalism and the related espousal of "democratic peace," that is, the view that democratically organized states do not wage war against one another.[11] The US between World War I and the end of the cold war was the main champion of this counter-tradition, often called "idealism" in contrast with "realism" and associated with the formative ideas and outlook of Woodrow Wilson, but drawing on deeper and abiding ideas of American exceptionalism ("a Lockean nation in a Hobbesian world").[12] Whether this Wilsonianism

[9] Prominent partial and non-utopian advocates of a global peace system include Czar Alexander, Woodrow Wilson, Franklin Roosevelt, and more recently Olaf Palme, Mikhail Gorbachev, and Nelson Mandela. Wilson can be regarded as "utopian" in the important sense of proposing a mechanism that lacked the capability to achieve the proclaimed goal, that is, the League of Nations as constituted did not have the authority or the capacity to supplant a balance of power approach by institutionalizing collective security.

[10] For Bull's views on Hobbes, see his essay, "Hobbes and the International Anarchy," reprinted in Kai Alderson and Andrew Hurrell (eds.), *Hedley Bull on International Society* (New York: St. Martin's Press, 2000), pp. 188–205.

[11] In the William Jefferson Clinton presidency of the United States, this idea was formalized as the doctrine of "enlargement," seeking to expand the domain of constitutional democracy as a strategy for extending "peace" to the peoples of the world. In the Clinton formulations, "constitutional democracy" was understood as implying the existence of "a market economy."

[12] Of course, there is also the US of Jesse Helms and George W. Bush, which prides itself on anti-internationalism, isolationism, and an affirmation of strong sovereign rights, while still insisting upon its moral exceptionalism in world politics. Increasingly, others

persisted in the US during the cold war era is a matter of ongoing debate, but its weight was (and is) felt in liberal patterns of support for the UN, foreign economic assistance, humanitarian diplomacy, and human rights.[13]

These strands of liberal/idealist thought often derive from and are associated with *inclusive* forms of religious belief.[14] Inclusive orientations, whether religious or secular humanist, emphasize human solidarity as desirable and possible, thereby challenging either directly or indirectly Westphalian complacency about radical inequality and war as intrinsic to international reality, as well as to the existential limits of community. The liberal/idealist outlook is more hopeful about human nature, species identity, and world order prospects than are realists. Secular versions of such idealism rest their underlying optimism upon the emancipatory impacts of human reason over time and, especially, on the degree to which technological innovation improves material well-being and contributes to better communication and understanding among the peoples of the world. Of course, these simplistic distinctions miss some crucial aspects of hybridity of thought-realists who exhibit an optimism about the persistence of a Westphalian world despite global warming and the spread of weaponry of mass destruction; liberal/idealists who are convinced that such persistence will trigger a catastrophic breakdown of order, together with a major regression in human circumstances. The latter tend to believe that rational human action can prevent catastrophic future developments, whereas most realists mainly rely on little other than their capacity to inflict destruction on adversaries and are skeptical about internationalism of all kinds, especially institution-building, other than defensive alliances. Of course, there are many varieties of realism distributed throughout a spectrum of views on such matters, some of which incorporate liberal convictions about human rights and international institutions and some of which are hostile to such goals.

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regard these claims with suspicion in the period since the end of the cold war, viewing the US as a typical arrogant, domineering, and self-seeking dominant state whose unilateralism undermines respect for international law and the UN.

[13] For an influential interpretation that argues against the alleged Wilsonian legacy of moralism, see Henry Kissinger, *Diplomacy* (New York: Simon & Schuster, 1994), pp. 218–245, 762–835. On Wilson's views on world peace and related diplomacy after World War I, see Thomas J. Knock, *To End All Wars: Woodrow Wilson and the Quest for a New World Order* (New York: Oxford University Press, 1992).

[14] The contrast here is with "exclusive forms" that emphasize special access to truth and salvation, and regard those without such access as evil or as infidels. This distinction, and its relation to contemporary patterns of world order is the main theme of Richard Falk, *Religion and Humane Global Governace* (New York: Palgrave, 2001).

Despite such normative counter-traditions, the postulates of realism have shaped the behavior of states during the modern era with the possible exception of the behavior of the liberal democracies, especially the US in the period between the end of World War I and the onset of World War II. It would be a mistake to regard the establishment of the League of Nations or the UN as an indication that the Westphalian statist/geopolitical framework was being superseded by either design or practice.[15] The realist predominance is manifested by the continuing tolerance of genocide, massive poverty, acute civil discord in those realms of international society where a geopolitics of indifference prevails, and contrasts with the emergence of patterns of robust intervention in circumstances where important strategic interests of the intervenors are at stake. It is a question of some significance for the assessment of post-Westphalian prospects to gauge the extent to which realism is intrinsic to a statist framework of world order, or is more of an expression of values prevailing in the political culture or of the ethics associated with the market. There is also a matter of whether realism is capable of conceiving of national and strategic interests as long-term, which would enable a realist to be deeply concerned about the impacts a generation or a century hence of environmental deterioration either by way of global warming or ocean pollution.

One way to concretize such an inquiry would be with respect to the viability of an approach to security at the level of the state that proposes reliance on "human security," a terminology recently introduced into the language of diplomacy to express a less militarist and more normative conception of security. Would a statist system genuinely operating on the basis of and organized in relation to human security continue to be usefully labeled as "Westphalian"? Or, would not the adoption of human security by leading governments have a transformative impact on world politics validating some sort of post-Westphalian designation? To the extent that such questions are rhetorical they suggest the Westphalian state-centric and geopolitical managed world presupposes a pluralist orientation toward the definition of well-being, development, and destiny. Such pluralism would be consistent with extensive cooperation to address global-scale challenges to ecological sustainability. It would not, however, be arguably consistent with the elimination of self-help features of a decentralized world order constituted by sovereign territorial states.

The relation of state and nation is also a crucial aspect of Westphalia. The invention of militant nationalism in the 18th century served

[15] For mainly skeptical assessments of supranationalizing claims, see Gene Lyons and Michael Mastanduno (eds.), *Beyond Westphalia? State Sovereignty and International Intervention* (Baltimore: Johns Hopkins University Press, 1995).

to consolidate state power, enhancing its mobilizing capacity, as well as accentuating the contrasts between "inside" and "outside," between "citizen" and "alien," and even between "civilized" and "barbaric." The idea of "nation-state" served partly as a mobilizing fiction and project to ensure loyalty to the state and partly as a legalistic designation of "nationality" as conferred by the state without regard to specific ethnic identity. Such "nationalism" weakened bonds with outsiders, but served over time to construct meaningful political communities, as well as to erode many hierarchies and patterns of discrimination based on class, race, and ethnic identity within territorial boundaries. And yet, as of the early 21st century, an array of anti-state and ethnic nationalisms pose a crucial challenge to political stability in many states. This challenge is directed not at statism as such, but at the failure of existing states to be "nation-states" in psycho-political respects and toward overcoming the plight of "captive nations" and embittered micro-nationalisms trapped within the boundaries of existing states. The modern system of states was premised on secular assumptions of multi-ethnicity and juridical nationhood, and so any major trend in the direction of invalidating such states would tend toward the nullification of mature Westphalian forms of world order. For this reason, the practice and theorizing on the right of self-determination since the end of colonialism and the cold war has placed in jeopardy the persistence of the modernist ethos a Westphalian world, which favored in principle ethnic diversity and religious pluralism.[16] To the extent that 3,000–8,000 distinct ethnicities exist as "nations," the legitimation of their claims to independence, or even autonomy (sometimes identified as "internal self-determination") would alter world order in fundamental respects. In effect, the legitimacy of states that are ethnically diverse and, in this sense, multi-national to the extent that minorities conceive of themselves as "nations," is an indispensable feature of the Westphalian world.

It is obvious that the states system is at the core of the Westphalian experience, but that it is itself both partly a guiding and incoherent myth that does not now and never did correspond with patterns of behavior in international politics that were shaped by war and inequalities of

[16] The controversy about the proper limits of the right of self-determination in the post-colonial era is far from resolved. It has flared up in concrete circumstances of bloody encounter in such diverse settings as Kosovo, Chechnya, Kashmir, and Palestine. For views expressive of the range of claims see Y. N. Kly and D. Kly (eds.), *The Right to Self-Determination*: *Collected Papers & Proceedings of the First International Conference on the Right to Self-Determination & the United Nations, Geneva, 2000* (Atlanta: Clarity Press, 2001). For a more cautious set of views about the scope of the right of self-determination see Wolfgang Danspreckgruber with Arthur Watts (eds.), *Self-Dermination and Self-Administration: A Sourcebook* (Boulder: Lynne Rienner, 1997).

power/wealth. What is more, the character of the state is fundamentally ambiguous on this central matter of nation-state, and the operating modes of statecraft certainly evolve over time, especially reflecting the impact of changes in technology, values, geopolitical goals, and guiding ideology. As such, it is misleading to essentialize the Westphalian reality as if it were not embedded in a changing historical matrix of ideas, technologies, ideologies, structures, and practices. What endures to give world order its Westphalian shape over the centuries is the primacy of the territorial state as political actor on a global level, the centrality of international warfare, the autonomy of the sovereign state to govern affairs within recognized international boundaries, the generalized tolerance of "human wrongs" committed within the scope of sovereign authority, the special leadership role in geopolitics claimed by and assigned to leading state(s), and the absence of strong institutions of regional and global governance.[17] The veto power conferred on the five Permanent Members of the Security Council of the UN is a formal recognition of inequality as part and parcel of the Westphalian reality as of the early 21st century. As such, it is an explicit acknowledgement that the equality of states is a diplomatic concept but not one that is politically descriptive of the workings of world order.

The decision to abandon or alter the Westphalian label for world order is a matter of both assessing empirical trends, but also advancing prescriptive goals. To embrace a post-Westphalian perspective involves an endorsement of certain forms of transformative agency currently active in the world, as well as a process of re-labeling due to subversive trends that have been unleashed in recent decades. There are two sets of actors that are moving consciousness and perception beyond Westphalian categories: there are global corporations and banks that conceive of the world as a marketplace for production, consumption, and investment and there are the civil society transnational actors that conceive of the world as a human community in which the human needs and basic rights of all persons are upheld. Both of these transformative agents seek alignment with governments, and both have had a measure of success. Corporate globalizers have enjoyed the general support of the leading states in promoting their objectives, whereas the civic globalizers have had to cobble together coalitions with shifting clusters of states seeking to uphold global public goods in relation to

[17] Ken Booth has vividly conceptualized this critique of the Westphalian impact on human well-being in Ken Booth, "Human Wrongs and International Relations," *Journal of International Affairs* 71 (1995), pp. 103–126; for a series of essays exploring the relevance of this critique by Booth, see Tim Dunne and Nicholas J. Wheeler (eds.), *Human Rights in Global Politics* (Cambridge: Cambridge University Press, 1999).

such international goals as arms control, human rights, and environmental protection.

A post-Wesphalian world is *not yet*, although the dynamics of behavioral and linguistic subversion are eroding Westphalian foundations. Reliance on the descriptive terminology of "globalization" in some way expresses the insufficiency of early discussions of international relations that kept their entire focus on the state system. Also, the interest in civilizational perspectives, whether to depict new conflict formations or to encourage dialogic relations is another recognition that our interpretative categories need to be revised to capture the most significant aspects of contemporary reality. In some genuine sense, "the Westphalian world" no longer exists, and never existed,[18] but neither has a post-Westphalian world been brought into being.[19] Westphalian frames for international reality no longer generate confidence, but globalization as another framing is too vague and uncrystalyzed to be a serious candidate for replacement.

A final feature of the Westphalian outlook was the horizoning of reality in relation to the state, whether on maps or in the political and cultural imagination, although there were notable exceptions who earlier conceived of collective human experience in civilizational terms.[20] Such horizoning could be reconciled with feeble forms of regionalism and globalism, but

[18] Unconditional territorial sovereignty never did except as an "ideal type." See Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999). See also Sohail H. Hashmi (ed.), *State Sovereignty: Change and Persistence in International Relations* (University Park: Penn State University Press, 1997).

[19] It is for this reason that I have elsewher referred to this period of hybridity and transition as "a Grotian moment" in which the old order persists, yet is increasingly challenged by an emergent new order; it was a truly great achievement of Grotius to provide a synthesis that created conceptual and political space for the new without requiring a repudiation of the old. For my assessment, see Richard Falk, *Law in an Emerging Global Village* (Ardsley: Transnational, 1999), pp. 3–31.

[20] Although statist views predominated in international relations, there has been a macro-historical tradition that regarded civilizational units as the basic constitutive force in world affairs. Leading examples of this tradition include Oswald Spengler, *Decline of the West* (New York: Knopf, 1926–1928); Arnold Toynbee, *A Study of History* (Oxford: Oxford University Press, 12 vols., 1934–1961); Fernand Braudel, *On History* (Chicago: University of Chicago Press, 1980); William H. McNeill, *The Rise of the West: A History of the Human Community* (Chicago: University of Chicago Press, 1963). A recent example of this genre is the fine study of Jacques Barzun, *From Dawn to Decadence: 1500 to the Present* (New York: HarperCollins, 2000). Important as a corrective to the Western preoccupations of this macro-historical work is Edward Said, *Culture and Imperialism* (New York: Knopf, 1993). A perceptive overview of the civilizational approach as it relates to international relations is Jacinta O'Hagen, "Conflict, Convergence or Co-existence? The Relevance of Culture in Reframing World Order," *Transnational Law & Contemporary Problems* 9 (2000), pp. 537–567.

without much relevance for the lifeworld of human existence or political behavior, which was dominated by states. For this reason conjectures of the imagination that depicted such horizons as constitutive were generally derided as "cultural" or "utopian," more suitable for the realms of literature and religion. Utopia has, of course, the revealing and humbling etymology of meaning "no where." It is this shift in horizoning that may be the most decisive indication that we are currently experiencing a post-Westphalian dawn. It is no longer possible to ignore *politically* the following non-statist horizons: that of "humanity," of "globality," and of "regionality."[21] Such shifts in language signal deeper behavioral and perceptual adjustments, and parallel the radical behavioral implications of the global religious resurgence and the rise of civilizational thinking.

The post-Westphalian framing of political reality must accordingly be mindful of this set of tendencies, identified most prominently in relation to an impending "clash of civilizations." Here, the Westphalian war system is given a renewed relevance by being resituated in a civilizational rather than statist structures of conflict.[22] The religious resurgence adds weight to this outlook, although migration patterns of intermingled civilizations make spatial mapping of inter-civilizational relations impossible. The emphasis on "dialogue of civilizations" is mainly a normative effort to appreciate the relevance of the civilizational interpretation of the historical situation, but at the same time seeking to avoid reproducing the Westphalian war system in the emergent inter-civilizational context. It also seeks to avoid confusing geographical categories of delimited regions with civilizational contours that overlap one another to significant degrees.

THE POST-WESTPHALIAN PERSPECTIVE

The Prescriptive Imperative

Modernity has given rise to two sorts of escapist projections: a nostalgic return to small local communities premised on high degrees of integration, perhaps epitomized by pre-modern images of self-determination affirmed by many representatives of indigenous peoples; and an evolution toward

[21] These awkward words are used here to get away from such heavily freighted alternatives as "globalization" and "regionalism."

[22] This provocative interpretation of international relations is set forth fully in Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon & Schuster, 1996). Huntington's geopolitical approach distracted commentators from the innovative side of his assessment of the future of international relations centering upon a shift in the main axes of significance from statism to civilizationalism. In this respect, Huntington's outlook can be understood as one type of post-Westphalian scenario.

encompassing communities that were premised on low degrees of integration, but looked toward the emergence of a planetary polity in some form.

During the whole course of the Westphalian reality there were those on the sidelines of political life who dreamed of a unified world order that maintained peace and security, and spread a set of preferred values, almost always their own.[23] Already in the 14th century, Dante Alighieri gave expression to such a self-serving hope in his *De Monarchia*, conceiving of Rome as the foundation for achieving a much desired global political unity, a visionary solution to the problems of political fragmentation that was set forth long before the formation of the European state system. Subsequently, there were a stream of peace plans and visions of a stateless world that were viewed as part of a utopian tradition of reflection and aspiration, but also tended to express in concealed forms, grandiose expansions of the power structures associated with the various authors. Ever since Dante, such projects for world unification tended to emanate from the existing center of global dominance, and institutionalize that reality in a morally attractive form that was presented as beneficial to the whole of humanity. Such visionary thinking seems generally to represent a good faith effort to promote human well-being, but it is greeted with suspicion because such thinking so invariably emanates from existing power centers and it is assessed skeptically because such individuals are writing on their own without any political base that might make more believable a transition from here to there.

At least since the end of the 19th century, on the occasion of the Hague Peace Conferences of 1899 and 1907, there was a constituency for the thesis that war was at once integral to the Westphalian world of interacting sovereign states, and increasingly intolerable as a recurrent international practice. After World War I the World Federalists put forward proposals for world government that attracted considerable grassroots support in Europe and North America. After World War II these proposals were revived, especially as a result of the shock effects associated with the initial uses of the atomic bomb, which gave rise to a mood of "utopia, or else." This outlook remained rather influential in the months following Hiroshima and Nagasaki. For the next decade or so, this kind of thinking was given some attention, possibly most influentially in the plan for a strengthened UN that would be converted into a type of limited world government published in

[23] For overview, see Sylvester John Hemleben, *Plans for Peace through Six Centuries* (Chicago: University of Chicago, 1943); for more recent visionary thinking, see Wesley T. Wooley, *Alternatives to Anarchy: American Supranationalism Since World War II* (Bloomington: Indiana University Press, 1968).

a sequence of three editions by Grenville Clark and Louis B. Sohn under the title *World Peace through World Law*.[24] But the cold war managed to stifle such thinking about alternative world orders based on the centralization of authority. The absence of any use of nuclear weaponry during the cold war and the refusal of nuclear weapons states to part with their capabilities even in the absence of strategic rivalry, has effectively removed such proposals from serious consideration even among anit-Westphalians. The Soviet Union was also widely interpreted as a failed utopian project that suggested the bloody dangers and fundamental misconceptions about human nature that pertained to all efforts to transform the utopian genre from an occasionally inspiring literary pursuit to guidance for lifeworld politics.

In a more modest, less Western format, the World Order Models Project, working with a transnational group of scholars since 1967 produced a series of volumes under the title "preferred worlds for the 1990s" that were published in the period of 1975–1980.[25] These volumes were designed to formulate "relevant Utopias" that could achieve attainable improvements in the human condition, but accompanied by a strategy that could credibly interpret "the political space" between what exists and what is preferred. Such projections were certainly less anchored in Westphalian assumptions than was mainstream thinking, especially with respect to the relevance of ethical considerations on the formation of global policy. Unlike the pessimism of realists, the WOMP conjectures, while generally accepting the persistence of the state as dominant actor, were fare more optimistic about reformist potentialities, ranging from substantial demilitarization and denuclearization through to the development of a more egalitarian world order to the buildup of regional and global institutions.

A later extension of this line of prescriptive thinking looked hopefully at the emergence of transnational social movements as creating the political basis for a global civil society that could over time generate a structure of humane global governance. In a sense, this post-Westphalian outlook regarded the ecological stability of the planet and its increasing interdependence as establishing a functional foundation for moving beyond the operational codes of an anarchical society. Such transnational activism was

[24] Grenville Clark and Louis B. Sohn, *World Peace through World Law*, 3rd ed. (Cambridge: Harvard University Press, 1966); for a recent proposal along similar lines see James A. Yunker, *World Union on the Horizon* (Lanham: University Press of America, 1993).

[25] Saul H. Mendlovitz (ed.), *On the Creation of a Just World Order* (New York: Free Press, 1975) provides a summary of the diverse models of preferred futures for the 1990s.

also viewed as a positive expression of resistance to the reach and impact of global corporations and banks.

It is also true that economistic versions of this kind of post-Westphalian world began to surface toward the end of the 20th century. The image of a borderless world dominated by markets and global corporations and banks attracted a certain following. More recently these images were reinforced by the rise of cyber-consciousness with its affinities for "self-organizing systems" and libertarian critiques of government. In these economistic/cyber visions of the future, the Westphalian system is displaced from within and below, rather than superseded by a layer of supranational institutions.

A final important prescriptive conception is associated with the degree to which "human wrongs" (Booth) are given "a safe haven" by the Westphalian charter of soveriegnty. The failure of the world to react to the Nazi policies of persecution, or more recently to the genocide occurring in Cambodia or Rwanda, has inspired critics to postulate capabilities for overriding deference to territorial supremacy.[26] Proposals to establish genocide-prevention forces under UN authority is one direction of assault upon hard core Westphalian ideas of sovereignty. The support for humanitarian intervention is another direction, although a contested one, especially in the aftermath of the Kosovo War of 1999. The experience of the *ad hoc* tribunals in The Hague to prosecute those indicted for crimes in relation to the breakup of the former Yugoslavia and in Rwanda, as well as the Pinochet litigation, are still other directions, indicating the existence of procedures for imposing accountability on leaders of sovereign states that commit crimes against their own peoples.[27]

As already mentioned, two other presciptive trends implicitly posit a post-Westphalian world: the transition from "national security" to "human security" as the basis for governmental engagement in world politics; the insistence that states to be legitimate must be "nation-states" in an ethnically homogeneous or at least an existentially coherent community, rather than in a juridical sense. Note that the advocates of "democratic peace"

[26] Take note of cynicism in the face of genocide: Khmer Rouge exempted for geopolitical reasons associated with "China card," while Rhodesia was "overlooked" because the country was seen as without strategic concern. See Glenda Cooper, "U.S. Memos Reveal Delay on Rwanda," *Washington Post*, August 8, 2001, p. A20; see also Malvern, *A People Betrayed: The Role of the West in Rwanda's Genocide*, note 3.

[27] See several fine books on these themes Gary Bass, *To Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton: Princeton University Press, 2000); Martha Minow, *Between Vengeance and Forgiveness* (Boston: Beacon, 1998); Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (New York: Norton, 2000).

do not challenge the essential character of the Westphalian framework, including its structure of radical inequality. Such a project of reformed statism seeks to reformulate the qualifications for international legitimacy at the level of the state so as to reconcile the protection of basic political and civil rights at the level of the individual with the exercise of territorial sovereignty. This reconciliation is believed to enhance prospects for a generally stable, cooperative, and, above all, peaceful interaction among existing states.

From a prescriptive outlook, such views are post-Westphalian in partial and questionable respects: the obsolescence of international warfare and some mechanisms for external accountability to ensure compliance with international human rights standards. These reforms would qualify as basic and beneficial modifications of the Westphalian reality, *if systemically implemented*, but would seem sufficiently "transformational" so as to merit unfurling the "post-Westphalian" banner. Perhaps, instead, the label of "neo-Westphalian" would seem to offer an appropriate degree of acknowledgement that the framework had changed in important respects, but that its statist character remains. Naming is an interpretative act with significant effects. The naming of world order, particularly its re-naming, generates both expectations and controversy. It highlights disagreements about global trends, and it signals the wish to affirm or avoid restructuring of authority patterns that give shape and direction to world order.

As will be discussed in subsequent sections, the emergence of certain forms of regionalism and of global democracy will be treated in this essay as transformational, and thus cannot be conceptually accommodated within the Westphalian framework. Such an insistence does not imply "the end of the state," although it does mean that world order can no longer by usefully depicted by an exclusive focus on the role and interactions of states. At the same time, the state and statecraft are sufficiently robust and resilient to remain essential features of any non-utopian form of post-Westphalian world order that can be set forth. All in all, if these democratizing and regionalizing developments come to pass a new organizing concept will be needed, and until it can be agreed upon, the new reality is suggested by employing the post-Westphalian label. The added advantage of this non-commital label is also to avoid either accepting or rejecting the terminology of "globalization."

Some Empirical Observations

Reliance on the terminology of "globalization" is an attempt to highlight a major shift in global trends that have become especially pronounced in the period since the end of the cold war. It also represents an attempt

to find a terminology that is less statist, and yet not suggestive of moral progress or drastic innovation. Globalization can be understood either modestly as identifying a dominant trend in an economistic era of late Westphalian geopolitics or more dramatically as signaling the birth of a planetary stucture that is dominated by market forces. The slippery and ambiguous nature of the term globalization is partly a result of this uncertainty about how at this stage to specify these emergent structures of world order that seem to be shaping current history in new directions. At issue, also, is the role and future of the territorial state, and that of the states system. Of concern is whether it is more accurate and helpful to conceive of globalization as the latest phase of the Westphalian Era or itself the constitutive process of radical restructuring associated with the claim that some variant of post-Westphalian reality is upon us. Of course, the debate is an interpretative one that cannot be resolved.

The minimum content of globalization involves the compression of time and space on a planetary scale. Other aspects include the intensification of cross-border interactivity, the transnational penetration of territorial space, the effects of information technology (IT) on global business operations, the dissemination of a consensual view of political legitimacy based on market liberalism and elective constitutionalism, and the pervasive impingement of global market forces on governmental processes. Such a presentation of globalization emphasizes its linear character as a sequel to a more state-centric, war-oriented phase of international history. The state in the process is re-instrumentalized by market forces to promote to a far greater extent than previously the priorities of business and finance as these relate to trade, investment, and consumption *around the world*. Not all states are re-instrumentalized to the same degree, which contributes to an overall impression of the uneven relationship of globalization to policymaking by states.

This prevailing account of globalization misses some critical aspects of the new reality, especially the challenge being mounted by transnational social forces to alleged adverse impacts of globalization: rapidly increasing inequality at the level of society, of the state, of the region; the tendency toward the social disempowerment of the state; the decline in support for public goods at all levels of social interaction. The Seattle demonstrations against the World Trade Organization (WTO) at the end of 1999 as well as the Genoa riots sparked by the G-8 meeting held there in mid-2001, and others that have occurred with growing militancy at sites where globalization elites convene are expressions of a vibrant global movement that currently lacks clear goals and a consensus as to tactics. Anti-globalization forces do possess a shared and deepening

resolve to resist the social, economic, and cultural deformations attributed to corporate globalization. It seems useful to consider this resistance as manifesting mainly a commitment "another globalization" that is animated by strong commitments to the enhancement of human well-being, and as such is people-oriented rather than market-driven. There is also a nationalistic component of this anti-globalization movement that tends toward protectionism and is centered upon a struggle to preserve a territorial conception of world order based on the primacy of the nation-state and its citizenry; parts of organized labor and non-competitive sectors of national economies are hostile to globalization, mainly for materialist reasons, and in the spirit of statist populism. There is a subsidiary component of the anti-globalization movement that harbors strong suspicions about the effects of integrative technology, and seeks to encourage deindustrialization and favors an austere economic approach that rejects growth as a societal goal, opting for small-scale environmentally benign technologies associated with sustainable political communities.[28]

I have elsewhere referred to corporate globalization as "globalization-from-above," and the civic globalization as "globalization-from-below."[29] This dichotomizing terminology is far from satisfactory as it overlooks and homogenizes the distinct strands of belief that are bound together in these encompassing orientations. It also neglects the sort of patterns associated with collaboration between transnational social forces and governments that are themselves seeking to sustain their identity as socially responsible political actors with primary allegiance to the well-being of their citizenry. Familiar examples of such collaboration include the overall political process that produced the Anti-Personnel Landmines Treaty and the Rome Treaty establishing an International Criminal Court. These collaborative patterns, although exploratory and situational, do raise up the possibility of a new internationalism that is neither statist, nor populist, yet combines the capacities of states with the energies of people, and breaks down the state/society dividing line.

Putting the cosmodrama of globalization into the context of an inquiry into post-Westphalian prospects suggests that globalization is a decidedly unfinished narrative that could go forward in different directions. This rather cautious line of interpretation suggests that the real impact of glob-

[28] A coherent presentation along these lines can be found in Herman E. Daly and John B. Cobb, Jr., *For the Common Good: Redirecting the Economy toward Community, the Environment, and a Sustainable Future* (Boston: Beacon, 1989).

[29] My initial reliance on this distinction can be found in Richard Falk, "The Making of Global Citizenship," in Jeremy Brecher, John Brown Childs, and Jill Cutler (eds.), *Global Visions: Beyond the New World Order* (Boston: South End Press, 1993), pp. 418–431.

alization will depend significantly on the outcome of the ongoing struggle for "the soul of the state."[30] At issue is whether the state continues to be predominantly *instrumentalized* by and responsive to market forces or manages to be *socially reempowered* through the agency of transnational activism as reinforced by social democratic elites and by an accommodation with what is called "humane regionalism" in a later section. In the case that globalization-from-above wins out by instrumentalizing the state, completing the process of social disempowerment and political demobilization, then it would be appropriate to consider globalization as having produced one possible post-Westphalian scenario, but for reasons only alluded to, such an outcome should be treated as a dysutopia. If the state is socially reempowered, then there would exist a renewed regulatory relationship of governance structures and processes to the market and a shift away from adherence to the policy postulates of neoliberalism. If this eventuality fails to come to pass, then the locus of power would remain configured in such a manner as to reaffirm the persistence and legitimacy (although in somewhat contested and diluted condition) of the Westphalian framework. Of course, there are many intermediate positions relating to the role of the state that could reflect compromise. Different states might respond in quite disparate ways to the mobilization of and pressures exerted by reformist orientations with respect to the role of the state in relation to globalization. The responses range from accommodation to rejection, and both possibilities could occur under circumstances of varying balances of internal power. Differences in political culture and the presence or absence of effective leadership on one side or the other could also push the process of encounter in one direction or the other.

The rise of transnationalism, the growth of human rights and associated ideas of criminal accountability of political leaders, and the role of international institutions might, if these tendencies persist, justify adoption of an ambivalent label such as "a Neo-Westphalian" scenario even without taking globalization into consideration.[31] A Neo-Westphalian world order would continue to be understood primarily through the prism of statist geopolitics, although accompanied by a conceptual acknowledgement that normative concerns are integral (relevance of international law and morality) and that transnationalism (localism, regionalism, and cosmopolitanism) are significantly more relevant than in the Westphalian era. The

[30] This theme is developed in Richard Falk, "State of Seige: Will Globalization Win Out?" *International Affairs* 73 (1997), pp. 123–136.

[31] See Thomas Risse-Kappen (ed.), *Bringing Transnational Relations Back in: Non-State Actors, Domestic Structures, and International Institutions* (Cambridge: Cambridge University Press, 1995).

search for forms of global governance and the protection of vulnerable and disadvantaged peoples would also represent Neo-Westphalian concerns that were not given prominence during the Westphalian period. As already suggested, there is a subjective element present. The terminology chosen reflects the will and perceptions of the observer as well as the objective circumstances that arguably call for a re-labeling of reality. The counter-intuitive irony present in this analysis of globalization is that the more hopeful interpretation of its evolution now relies on the reinvigoration of the state.[32] More pessimistic lines of thinking anticipate the decisive weakening of the state as assessed from either a humanistic perspective of global public goods or from a more Westphalian perspective of the well-being of the territorial citizenry. It should be understood that this endorsement being made of a renewal of "the strong state" as the basis of regulating global market operations should not be confused with an endorsement of the military and coercive dimensions of state power. As the current approach of the US Government suggests, high-intensity militarization is quite consistent with an ardent embrace of neoliberal ideology with regard to state/society relations. This deadly combination of militarism and globalization can be expressed more concretely: a huge investment by the US Government in Ballistic Missile Defense is not seen as a departure from the gospel of free trade as preached at Quebec in 2001 by President George W. Bush at the Summit of the Americas.

What seems evident is that "globalization" conveniently encodes the confluence of empirical trends that dominate the political imagination at the moment. Whether these trends are better interpreted as establishing a new structure of interaction or involve merely a modification of the old structure is a matter of persisting, and essentially unresolvable, controversy. As the next section argues, from a normative perspective of human values and from an empirical perspective of likely prospects, some of the more familiar projections of post-Westphalian outcomes are best treated as dead ends. Their advocacy is regressive in relation to the ripening goal of envisioning and realizing humane global governance as a practical and indispensable political project. The most profound challenge to the political and moral imagination at the present time is to depict a Post-Westphalian scenario that is sufficiently rooted in emergent trends to engender widespread hope and mobilize social forces on behalf of such a commitment. Of course, as should be evident not all Post-Westphalian forms of world order are being pursued by those seeking peace, sustain-

[32] This is counter-intuitive because previous thinking on global reform had consistently regarded states and sovereignty as obstacles to the establishment of more humane world this counter-intuitive because global reform thought had previously order.

ability, human rights, and global community, the main elements of what is here being identified as "humane global governance." A Post-Westphalian world organized around short-term market forces, with ever-widening gaps, deepening pockets of poverty, numerous "black holes" consisting of collapsed governance structures, and control mechanisms dominated by increasingly sophisticated technology at the disposal of elites serving the interests of business/finance. Other post-Westphalian dysutopias that need to be taken seriously involve intensifying trends toward religious and ethnic exclusivism as the claimed basis for fulfilling a right of self-determination and an array of chauvinistic backlashes that seek to hijack government to carry out an anti-immigrant agenda.

FOUR POST-WESTPHALIAN DEAD ENDS

It is important to exclude certain commonly discussed post-Westphalian scenarios as essentially unattainable or undesirable, or both. Such scenarios distract attention from what is happening and, more significantly, from the genuine *normative potential* implicit in the present phase of global politics. A systematic exploration of normative potential is partly a prescriptive, partly an empirical assessment of the prospect for realizing a specific series of world order goals or values. For instance, development, human rights, peace, ecological sustainability. The World Order Models Project launched such an inquiry as a prelude to hoped for political action, implicitly subscribing to the slogan, "thought without action equals zero,"[33] but also endorsing even more confidently the corollary, "action with thought is less than zero." Although these post-Westphalian scenarios are presented as "dead ends" either because of their lack of feasibility or their denial of widely shared world order values, it should be appreciated that each contains a measure of plausibility with respect to global trends and aspirations. Each also provides some insight into the originality of the present historical moment. But each also turns a blind eye to difficulties of realization, as well as to pitfalls implicit in their preferred future.

The Global Marketplace

One theme in post-Westphalian literature is associated with the global ascendancy of market-driven forms of political and ideational structure giving rise to the first genuine global civilization. Such conceptions envision the radical subordination of territorial states, the anachronism of

[33] For elaboration, see Mendlovitz, *On the Creation of a Just World Order*, note 25.

specific civilizational and religious identities, and the disappearance of such modalities of statecraft as diplomacy and warfare. At best, states would survive as subordinate facilitators of market relations and existing civilizations would become secondary sources of identity, providing some administrative backup and cutltural specificity for an otherwise homogenized "global civilization" premised on Western consumerist priorities and a stream of technological innovations.[34]

Such a conception of the future overlooks the dialectical character of globalization, which strengthens rather than overcomes civilizational, religious, and ethnic identities. It also underestimates the resilience of the state, and the role of force in a world of persisting inequality of material standards. The only way that such a mega civilization could become a political project would be in relation to the hegemonic ambitions of an existing center of power to exert global dominance, and then it would be either inherently oppressive or result in intense resistance. The darkest reading of the US global strategy is to conceive of it as animated by such an imperial vision of the future, but such a reading probably exaggerates US ambition and underestimates the friction that would result if such an attempt were to be seriously undertaken. Already, the awakening of civilizational identity throughout the non-Western world, and even the forward momentum of European regionalism can be seen partially as a defensive hedge against attempts at the Americanization of the world.

World Government

There has been a naïve view in the West that a peaceful and just world depends on the establishment of a centralized core of political institutions operating in accordance with a constitutional framework. Such a projection has been a frequent utopian refrain in the face of debilitating warfare for the last century or so, and even earlier, and was given a strong impetus by the carnage of the two world wars of the 20th century and by the advent of nuclear weaponry. World government was often posited by long-range thinkers and reformers as the only serious alternative to apocalyptic catastrophe. More idealistically, world government was envisaged as the natural sequel to the era of sovereign states, a culmination of an evolu-

[34] See Mehdi Mozaffari, "Mega Civilization: Global Capital and New Standard of Civilization," Aarhus University, Aarhus, Denmark, 1999, for critique, see David Korten, *When Corporations Rule the World* (West Hartford: Kumerian Press & Berrett-Koehler Publishers, 1995); Richard J. Barnet and John Cavanagh, *Global Dreams: Imperial Corporations and the New World Order* (New York: Simon & Schuster, 1994).

tionary march of reason toward the institutionalization of unity on an ever grander scale.[35]

As with other conceptions of unification, the idea of world government engenders skepticism, and disbelief. The implicit transfer of peacekeeping authority, especially with respect to "security" seems so remote considering the continuing vitality of nationalist sentiments as to be hyper-utopian. The inequality of material standards and emergent resource scarcities also make the acceptance of a common democratic framework appear threatening both to the rich and the poor. The former fear a leveling down in the name of global equity, while the latter fear the impact of coercive authority for the sake of law and order in the face of social activism and likely unrest. World government seems to lack any current mobilizing appeal, both because it seems unattainable and because its establishment would is generally seen to be either as the triumph of global tyranny or as leading to menacing forms of large-scale "civil warfare." Nationalism and civilizational identities remain too robust to risk their absorption in the name of forming a global constitutional polity, and besides the Westphalian structure ensures protection for diversity and experimentation.

Global Village

The influential media guru, Marshall McLuhan, insisted that the impact of television would create such a sense of shared awareness and interconnectivity as to justify the label "global village." These undoubted insights into the impact of media and technological innovation have been extended in recent years to account for the impact of the Internet, IT, and a generalized conviction that citizenship is being superseded by netizenship and cyberpolitics.[36] Such perspectives tend to embrace a libertarian ethos that reinforces market distrust of regulation and public sector solutions for human suffering and societal deficiencies. As such, it reinforces the neoliberal downward pressure on the allocation of resources relating to the production of public goods, with the notable and revealing exception of defense. This cyber-consciousness is disposed toward a faith-based reli-

[35] See Jonathan Schell, *The Fate of the Earth* (New York: Knopf, 1982); see also references cited in note 24.

[36] For the most comprehensive account, see Manuel Castels, *The Rise of the Network Society*, 3 vols. (Oxford: Blackwell, 1996–1998); Mark Dery, *Escape Velocity: Cyberculture at the End of the Century* (London: Hodder & Stoughton, 1996); Kevin A. Hall and John E. Hughes, *Cyberpolitics: Citizen Activism in the Age of the Internet* (Lanham: Rowman & Littlefield, 1998); Gregory S. Paul & Earl D. Cox, *Beyond Humanity: CyberEvolution and Future Minds* (Rockland: Charles River Media, 1996); Douglas S. Robertson, *The New Renaissance: Computers and the Next Level of Civilization* (Oxford: Oxford University Press, 1998).

ance on self-organizing systems and the flow of technological innovations to sustain societal and ecological balances, and generate a hopeful posture toward the future.

The deficiencies of this post-Westphalian scenario are associated with a kind of syndocheism, that slyly substitutes a part for the whole. Undoubtedly, the impact of IT is significant, even crucial, but there is little prospect that it will overwhelm the structures and attitudes of modernity in the foreseeable future, rather than be mainly accommodated by them. Also, IT generates a dialectical response rather than merely a linear one, which leads to a variety of defensive strategies designed to maintain identity and autonomy in the face of admitted global village tendencies that are regarded by most of the non-Western world as hegemonic in intention and effect. Thus, regionalism, traditionalism, self-determination, collective rights, as well as international terrorism and transnational criminalization are among the reactions that inhibit the emergence of global village consciousness and arrangements.

There is in this scenario the possibility of a mutually reinforcing collaboration with the social forces associated with "globalization-from-above," but even so the resistance of an activated civil society, "globalization-from-below," seems capable of preventing the global village metaphor from becoming the defining reality of world order.[37]

Global Empire

The renewed focus on security occasioned by the September 11, 2001, attacks combined with the seeming inability to address effectively the megaterrorist threats posed within a Westphalian frame have provided a rationale for a US-led effort to provide security and impose order on the entire world. Such a grandiose global security project is supposedly indispensable, given the globally networked and concealed character of al Qaeda, as well as to the urgency of guarding against its extremist willingness to inflict harm on civilian society to the maximum extent possible. The undertaking rests on US military dominance, relying especially on the weaponization of space, to provide missile defense, and more significantly, to achieve an offensive capability to strike a decisive blow anywhere on

[37] The more normatively, less technocratically, grounded image of "global neighborhood" seems similarly out of touch with the predatory elements of the main currents of globalization in lethal interaction with neoliberal ideas and hegemonic geopolitics. See report of the Commission on Global Governance, *Our Global Neighborhood* (New York: Oxford, 1995); Richard Falk, *Predatory Globalization: A Critique* (Cambridge: Polity, 1999). I have preferred the terminology of "humane global governance" as goal and ideal, as well as potentiality, but without the implication that such a phrase is descriptive of current world order or the most probable future.

the planet. This level of dominance is projected in such a way as to make it futile for *any* country to seek to challenge the US role. Such a result would involve the establishment of a global empire, although not formalized as such, but also, as with al Qaeda, based on a concealed network whose effectiveness is dependent on the control and manipulation of information more than on the technology of destruction.

The idea of a global empire administered from Washington, DC, is also a deadend. It rests on a premise of permanent militarization and the submission of other constellations of power and influence. The perception of such imperial ambitions has throughout international history generated a reactive formation, alliances to defeat, or at least contain, the quest for global empire. There is every reason to suppose that the remainder of the world will not accept, without mounting some sort of challenge, a US bid to establish such a global empire. The result would be a high risk rivalry, wasteful of resources, endangering catastrophic warfare, and shifting priorities of policymakers away from human rights, environmental sustainability, and equitable development. The serious pursuit of global empire, already in mid-2002, threatening to unleash an unnecessary preemptive war against Iraq, is a post-Westphalian scenario that is both an example of dysutopia and a course of history that restores to political consciousness the achievements of the Westphalian solution of world order.

THE POST-WESTPHALIA PROSPECT IN THE EARLY 21ST CENTURY

Noting the Historical Moment of Lost Opportunity

As the cold war ended, the Soviet Union disintegrated, the world economy flourished, constitutional democracy was robust, there existed a historical moment of unprecedented opportunity to salvage the Westphalian legacy. Salvaging would have involved a mixture of initiatives designed to promote humane global governance: especially, demilitarization, the buildup of UN peacekeeping capabilities, and "a Marshall Plan" for Africa. To seize the occasion, depended on US leadership, which was timid and ambivalent, retreating from any claim to promote what had earlier been called "liberal internationalism." Unlike the endings of the two world wars of the 20th century, the ending of the cold war did not give rise to grassroots demands for global reform. Instead, the prevailing mood was complacent and foolishly optimistic about the future, triumphalist in response to the outcome of the East/West struggle, and economistic in its sense of what needed to be done to secure human well-being.

There was some recognition of the opportunities and challenges of the 1990s. Current US President George W. Bush in 1990–1991 aroused interest and built support during the lead up to the Gulf War by constantly referring to the possibility of establishing "a new world order," by which he meant a functioning collective security process under UN auspices. Humanitarian diplomacy was also taken seriously in this period, both in relation to the protection of the Kurdish minority in Iraq, the response to the humanitarian catastrophe in Somalia, and the effort to avoid "ethnic cleansing" in Bosnia. But for reasons too complicated to discuss here, disillusionment ensued, and the more promising implications of such initiatives never materialized. Among the more hopeful initiatives was the effort of Lloyd Axworthy, while Foreign Minister of Canada, to champion a shift from "national security" to "human security" as the basis for the role of the sovereign state, a conceptualization earlier given currency in an annual volume of the Human Development Report. Instead, the US led a return to Westphalian geopolitics in its narrower state-centric ethos, a backlash against the UN, and a primary reliance on the world economy to address problems of human suffering (including, poverty and the AIDS epidemic) and ecological sustainability.

The opportunity to initiate comprehensive negotiations to abolish nuclear weapons was not even seriously considered during this period, nor were proposals to establish a UN volunteer peacekeeping force that could respond to humanitarian catastrophes rapidly and without passing through the realist and nationalist filters of leading states. Such states were reluctant to bear the financial or human costs of a diplomacy that could not be validated by traditional criteria associated with national security and strategic overseas interests (for example, to put the matter most starkly, oil is worth dying for, but the prevention of genocide is not, especially in a Third World setting). As a result, the main deficiencies of Westphalia were preserved: the war system of global security and the vulnerability of the peoples of the world to various forms of oppressive governance.

Yet, the case for drastic global reform was being made in various arenas, and if not attainable within the Westphalian framework, then possibly its realization could be achieved through the agency of transnational social forces and the emergence of post-Westphalian structures of governance. What was this case? What were these social forces? Essentially the plausibility of post-Westphalian perspectives involved the rise to high visibility of a multi-dimensional normative agenda: implementation of human rights, accountability for past crimes of state, abridgements of sovereignty, the rise of humanitarian peacekeeping. Beyond the agenda, there were steps taken to achieve institutionalization: an increasing will-

ingness of national judicial bodies to apply international legal standards as relevant; greater reliance on mulitlateral approaches to global security, especially under the auspices of the UN; the impressive growth of regional governance, especially in Europe, with mandates to promote human rights, to sustain a social contract between citizens and market forces, and to facilitate trade and investment. Such goals by their nature could not be realized without compromising the internal autonomy of sovereign states and this would not happen without the agency of political actors other than the state. In effect, drastic global reform, if it is to occur, will eventuate in a post-Westphalian scenario of transformed state structures and strengthened transnational, regional, and global formal and informal institutional procedures.[38] Of these developments, the most currently promising is the campaign to promote cosmopolitan (or global) democracy and the various movements to build comprehensive regional frameworks for democracy, human rights, and political identity. If cumulatively effective, the impact will be to view the outcome as post-Westphalian: states become subject to external and internal standards of accountability, the Rule of Law, and the discipline of democratic practices; and regional institutions become vital actors that adhere to frameworks that ensure constitutionalism and collective well-being. World order is thus no longer state-centric, although the role of states remains crucial, even if reconfigured in light of legal and ethical norms. The dusk of Westphalia can be best understood in relation to the setting sun of sovereignty and the rising sun of regional and global policy horizoning, rather than by supposing that the state itself will disappear, or will even be marginalized.

The Campaign for Cosmopolitan (or Global) Democracy

Until recently, "pro-democracy" advocacy was understood to refer to ensuring that state/society relations provided electoral mechanisms to obtain the consent of the governed by way of periodic, free elections and sufficient constitutionalism to protect citizens from governmental abuse. Democracy and democratic theory were essentially *internal* frameworks for domestic governance. The operation of international institutions and global arenas of decision, were from this perspective not treated as particularly relevant to the existence and establishment of democracy on a global

[38] There are some complexities present, as "strong states" are needed to resist the predatory aspects of globalization, and the transformation of the state would involve its greater responsiveness to normative demands, including the effort to commit a higher proportion of the national budget to the financing of global public goods. See generally Inge Kaul, Isabelle Grunberg, and Marc A. Stern (eds.), *Global Public Goods: International Cooperation in the 21st Century* (New York: Oxford University Press, 1999).

scale. The annual assessments of "freedom" made by Freedom House presupposed that the state was the only significant unit of democratization, and that human rights were only of the civil and political variety. The Kantian tradition of speculating about the global effects of the adoption of democracy at the level of the state is a purely Westphalian approach that does not regard regional and global arenas of authority as constitutionally or structurally relevant.

Cosmopolitan democracy theorizes in a much more extensive manner. It regards democratic values as pertaining to all domains of life, although adjusted to reflect the particular setting. On the one side of everyday existence, democratic accountability and transparency extends its reach to the domain of gender and workplace relations, but also to the undertakings of governments themselves. No one is either above or below the law, which poses a mission impossible if directed at contemporary realities, given the radical inequalities that exist in relation to all dimensions of concern within the current system of world order, however labeled. On the other side, democratic participation, accountability, and transparency are to be extended to such international (regional and global) institutional settings as the UN, the IMF, World Bank, the WTO, and the EU. Such extensions of democracy blur the inside/outside red line of sovereignty associated with international boundaries as well as the public/private sector blue line of domestic governance, and as such challenge the equality/inequality structure that has so far prevented equals from being treated equally in the implementation of international standards.

From Seattle to Pinochet, there is a multi-dimensional ferment that seeks democratic procedures of accountability, participation, and the Rule of Law in *all* arenas of decision that affect human well-being. In effect, the campaign for cosmopolitan democracy is closely associated with the establishment of a regime of representative governance associated with human security, but with the role of ultimate guardian of rights and responsibilities entrusted to the peoples of the world. The overall character of cosmopolitan democracy is a work-in-progress. We will not even be able to discern its contours for some decades to come, but it is an emergent reality, and it has become the unifying thread in the spectrum of undertakings associated with globalization-from-below. Some illustrative initiatives can be briefly mentioned to convey the spirit of this campaign.[39]

[39] See Daniele Archibugi and David Held (eds.), *Cosmopolitan Democracy: An Agenda for a New World Order* (Cambridge: Polity, 1995); Daniele Archibugi, David Held and Martin Köhler (eds.), *Re-imagining Political Community: Studies in Cosmopolitan Democracy* (Cambridge: Polity, 1998).

But first, some cautionary words. Globalization-from-below can be understood in at least two distinct ways: as the normative strivings associated with the various elements of the movement resisting globalization-from-above or as the general populist orientations of the political culture that is operative within the world at this point in history, and is segmented in terms of state, religion, ethnicity, and class. As the anti-globalization demonstrations have confirmed, among the participants are violently disposed anarchists (the so-called "black blocs") and anti-technologists (often identified as "Luddites" or "Neo-Luddites"). Such orientations cannot contribute positively to the realization of humane global governance even if they join the ranks of those most militantly opposed to the regressive implications of globalization-from-above. If one thinks more broadly about political culture in general, then there are grounds for growing concern, as both consumerism and militarism seem to enjoy strong majoritarian support in the richest and most influential countries. It is quite possible that if globalization-from-below is identified with democratic preferences of society as a whole, then there exists little or no tension between governing elites and the citizenry, and that globalization-from-above is entitled to claim legitimation according to standard criteria of the consent of the people. But such an acceptance by majoritarian consent is not enough to ensure legitimacy, given the militancy of opposition, even if this opposition is acknowledged to be a minority.

In this paper, "globalization-from-below" is used in the narrower, normative sense of dissenting from the neo-liberal ideology and practices associated with corporate globalization, but not necessarily from the application of technology to productive processes so as to achieve economic growth and a variety of social gains in such areas as health and education. The anti-globalization movement that is challenging the legitimacy of globalization-from-above in its current form puts its main stress on failures to distribute the gains of economic growth among the peoples of the world on an equitable basis and in greater accordance with human needs. The movement also is directed at the failure to provide democratic oversight with respect to the operation of global market forces, as well as its tendency to bypass global public goods such as environmental protection and the operations of international institutions. The following projects promoted by the anti-globalization movement are illustrative of a commitment to humane global governance, but are selective in the sense of both rejecting violence as a means and accepting the contributions of technological innovations to the making of a better world.

(1) *International Criminal Court*

The Rome Treaty of 1998 called for the establishment of an international criminal court once sixty countries have deposited instruments of ratification with the UN. Both the process and the outcome are essential building blocks for a global democratic framework premised on the Rule of Law extending even to those who exercise preeminent political and military authority on behalf of sovereign states. The process by which this treaty is becoming law was decisively facilitated by a coalition of civil society actors that pushed governments and collaborated with those governments seeking to reach a similar goal. In other words, the very act of establishment embodied "a new internationalism" that can be viewed as a Westphalian hybrid, combining transnational civil society activism with traditional state actors to reach a very non-Westphalian result. The outcome represents a great victory for the ethos of accountability, making those who use governmental power abusively to face the possibility of being held criminally accountable for their misdeeds as measured by accepted *international* standards relating to human rights, crimes against humanity, and international humanitarian law. The detention of Augusto Pinochet, the indictment of Slobodan Milosevic by the International Criminal Tribunal for the former Yugoslavia, the recent discussion of the indictability of Henry Kissinger, Ariel Sharon, and Saddam Hussein, the recent litigation associated with World War II slave labor and comfort women are suggestive of a broader trend toward accountability.[40]

Of course, the accountability breakthrough, also discussed in relation to a backlash against "the culture of impunity" should not be exaggerated. The Rome Treaty contains many important concessions to Westphalian conceptions, including deference to the primacy of national criminal authority and a major role for the UN Security Council in authorizing or prohibiting prosecution, which gives several of the leading geopolitical actors an extensive veto. Such states are likely to remain outside the International Criminal Court (ICC) legal regime for the foreseeable future. But the existence of a permanent international criminal court is a reminder to the representatives of state power that their officials are not above international law even in the manner with which they treat their own citizens. The refusal to implement its authority in a consistent manner will also provide civil society, especially in liberal democracies, with a powerful instrument by which to challenge the legitimacy of government and of specific official conduct. Also, complementary mechanisms of accountability are likely to be emboldened, especially domestic courts will be more encouraged than ever to conceive of them-

[40] See references in note 27.

selves as agents of the international legal order with respect to crimes of state. Post-Pinochet discussion of these issues is already indicative of a trend toward international accountability, although there are also skeptical responses to these developments.[41] Mention is made of the unevenness of implementation that is certain to damage the credibility of efforts to impose accountability on leaders for their official acts, and of the degree to which the pursuit of leaders holding office can disrupt diplomacy that if generally carried on without challenging the immunity of those representing states regardless of the extent to which their behavior departs from international legal norms of the most fundamental character.

(2) *A Global Peoples Assembly*

The articulation of the agenda of global civil society as the foundation for cosmopolitan democracy has encountered great difficulties given the degree to which *representation* of interests and values takes place within a Westphalian structure that with increasingly apparent artificiality confers membership only on states. Transnational social forces and civil society actors have been trying to find "spaces" within this structure that allow some expression of views that are not statist in character. Among the most effective of these improvisations was the establishing of a strong presence at major conferences held under UN auspices on global policy issues such as environment, women, population, and social well-being. The media increasingly acknowledged such people-oriented perspectives, and their agitation was welcomed by some governments seeking to increase their own impact on the plan of action and declaratory documents that come at the end of such proceedings. This process of participation reached a climax in a series of such conferences in the early 1990s, and suggested the vitality of these exploratory moves in the direction of accommodating the demands of cosmopolitan democrats. Such a dynamic was so successful from this democratizing perspective that it generated a statist backlash designed to close off such avenues of populist participation. Leading states defended their turf with such lame arguments as the waste of money associated with UN conferences that were derided as "talk-fests" and "spectacles." Earlier these same governments welcomed civil society participation, mainly because of their expected co-opting effect

[41] Guidelines for national courts to proceed with the indictment and prosecution of individuals accused of crimes against humanity, genocide, and other serious crimes of state are contained in "The Princeton Principles on Universal Jurisdiction," brochure published by Program in Law and Public Affairs, Princeton University, 2001. The Princeton Principles are the product of discussion and analysis by a group of international law specialists and practitioners.

on grassroots criticism, hopefully making these actors part of the process as a way of muting their opposition. But this governmental effort was frustrated by the militancy and effectiveness of these transnational civic presences that were clear about their goals. As a result, this avenue of societal participation has been closed off, at least for the present.

An alternative line of participation that has emerged late in the 1990s has been more militant, taking the form of protest demonstrations in the streets of cities that are the scene of high-visibility inter-governmental meetings concerned with the functioning of the world economy. These demonstrations have been particularly directed at the institutional manifestations of corporate globalization, and have occurred in relation to meetings of the WTO, IMF, and World Bank, as well as such occasions fashioned by market forces, as the meetings of the G-8 and Davos annual sessions of the World Economic Forum. Such expressions of resistance have been effective in stimulating a debate about the shortcomings of globalization, including its regressive distributive patterns and the anti-democratic operating modalities of its institutional support structure. The result has been calls for more participation and transparency, as well as a demand that social and equity concerns of a distributive character be given weight alongside the priority accorded trade expansion and capital efficiency. Yet, the *ad hoc* character of demonstrations and activism as methods of achieving participation and influence are not satisfactory in any sustained way. The calls for reform are often misunderstood by most of the public and misrepresented in the media, and are easily deflected because of their episodic expression, the focus on encounters with the police, and the inevitable incoherence of objectives among the demonstrators with diverse, even antagonistic, agendas. Instead of concentrating on the substantive issues at stake, the media, especially TV, treat these events as actual or potential spectacles of violence, despite the fact that over 90% of the demonstrators themselves reject violence as a tactic and seek to express their militancy by symbolic and persuasive means alone. Focusing on the violence also allows the governmental and business/finance elites to deflect criticism, and to concentrate on arranging their future meetings in a manner that poses obstacles for those organizing popular demonstrations. One idea being considered by G-8 leaders after the explosive 2001 Genoa G-8 and Gothenberg EU meetings is to hold future meetings in remote rural settings that can be more easily sealed off from demonstrators and media.

What these populist efforts to penetrate the Westphalian edifice in its globalization phase disclose is the need for some more durable and institutionalized form of participatory opportunity for the voices of civil society.

It would seem beneficial to establish a parliamentary organ representative of the peoples of the world as a constructive step at this stage, preferably taken within the formal UN System, but not necessarily so. There are many complexities and obstacles associated with the establishment, operations, and funding of such a parliament or assembly.[42] These can be overcome in practice. The experience over time of the European Parliament (EP) is inspirational in this regard. As with the proposal for a Global Peoples Assembly (GPA), the EP too was dismissed for decades as frivolous. Only recently has the EP taken its place as a vital element in the overall structure of the EU, and assumed the role of being the indispensable guarantor of its democratic commitment to the peoples of Europe. The legitimacy of the EU evolution is certainly helped by having a functioning parliamentary organ of governance.

A more substantive confirmation of the value of this recommended initiative has been demonstrated by the experience of the Assembly of the Peoples of the UN organized on a grassroots basis and held every second year in Perugia during the last decade. Delegates come from many countries, financed by Italian urban communities, and engage in discussion of salient global and local issues for several days, and then make a dramatic march of solidarity to the nearby spiritually renowned town of Assisi. While the selection of delegates is presently unsystematic and there is a certain chaotic quality pertaining to the mode of discussion and recommendations, there is an exciting and compelling quality about the establishment and conduct of such a forum. A significantly different discourse emerges from that associated with meetings of intergovernmental and economistic elites, with a strikingly distinct hierarchy of priorities and expectations. In this sense a GPA would, at the very least, help fashion a creative tension between the perspectives associated with corporate globalization and those emanating from the various elements composing globalization-from-below, including those of reactionary character. As with any expression of democratic sentiment, there can be no guaranty that the forms taken by the process will be substantively beneficial. There are risks and uncertainties, but the whole movement of progressive politics since the French Revolution has been to endow the people as citizens with increasing authority in shaping the dynamics of

[42] The case for a Global Peoples Assembly is elaborated by Richard Falk and Andrew Strauss, "On the Creation of a Global Peoples Assembly: Legitimacy and the Power of Popular Sovereignty," *Stanford Journal of International Law* 36 (2000), pp. 191–219; Richard Falk and Andrew Strauss, "Toward Global Parliament," *Foreign Affairs* 80 (2001), pp. 212–220.

governance. An experiment with some type of GPA should be thought about in this spirit.

(3) *The International Rule of Law*

A positive post-Westphalian world order would upgrade the role of law in structuring relations among participants in international life, thereby diminishing the influence of unequal power, wealth, and capabilities. It would also provide for far greater reliance on third-party procedures for dispute settlement and conflict resolution. The spread of international tribunals in such specialized areas as trade, oceans, and human rights is already suggestive of a trend in this direction that partly reflects growing normativity, but so far these innovations are best understood as mere functional adjustments to growing complexity and interactivity. Such tendencies toward legalization should not be overstated, but at the same time impressive and unanticipated outcomes can arise from humble beginnings.[43] The relevance of geopolitics and militarism is almost certain to remain central to the structuring of security policy as pursued by leading states for the next decade or so, although even here the resonance of the global security discourse is suggestive of discomfort with the old paradigmatic enclosures based on "national security."

September 11, 2001: Disruption or Derailment?

It is presently too early to assess the depth of the impact of the September 11, 2001, attacks and the US response on the prospects for the sorts of global reform that would raise hopes that the world order sequel to Westphalia would take the form of humane global governance. In the immediate aftermath, it seems evident that these occurrences were deeply disruptive, and have put on hold the encouraging normative trends of the 1990s that led to the strengthening of human rights and democracy in so many parts of the world. What is highly uncertain and speculative is whether this disruption is a temporary phenomenon that will be overcome in the years ahead, or represents a more or less permanent derailment, giving way to the struggle for and against global empire. The antecedent conditions of deepening globalization and the rise of global civil society seemed to be based on the influence of powerful social forces that will make every effort to resume the complex process of negotiating a legitimated post-Westphalian world order, and in so doing, marginalize the US insistence that security priorities be given precedence. Whether this expectation is likely to be

[43] For elaboration of this point see Richard Falk, "Meeting the Challenge of Multilateralism," in Thomas H. Henriksen (ed.), *Foreign Policy for America in the Twenty-first Century: Alternative Perspectives* (Stanford: Hoover Institution Press, 2001), pp. 33–47.

realized depends on how credible the persisting al Qaeda threat is likely to remain. It remains within the realm of possibility that al Qaeda as a persisting danger will be seen in due course as no more tangible in its harmful future capabilities than Y2K turned out to be. The September 11, 2001, attacks may mercifully turn out to be a one time only death spasm of this sort of megaterrorist extremism.

Achieving Humane Regionalism[44]

In important respects, Westphalian world order was a European regional system for most of its operative period, gradually developing a global outreach that attained its climax in the colonial era. Indeed, the regionality of world order began its decline after World War I with the rise of the US and Russia to positions of prominence and influence that eclipsed Europe after World War II. This type of Euro-centric regionality lost almost all of its relevance as a description of the overall Westphalian reality with the collapse of colonialism, the emergence of Japan, at least temporarily, as an Asian financial superpower, and the more recent pronounced rise of China as a world power. The universality of statist participation in the UN, as well as constitutive rules that make membership an exclusive prerogative of states, embodies the formal idea of a Westphalian world. The erosion of this world has been increasingly acknowledged by the current UN Secretary General, Kofi Annan, who has associated his leadership of the UN with the central idea of enlisting in the Organization the meaningful participation of corporate and civil society actors, and arguing that only by weakening its statist character can the UN hope to retain its relevance to a globalizing world order. Significantly, by appealing to global civil society and to global market forces, Annan has understated the relevance of regional actors to the sort of neo-Westphalian UN that he seems to be intent upon crafting during his period of tenure. Perhaps, this is less an oversight than a recognition that regionalism is such an uneven force in human affairs at this time if region to region realities are taken into account. But is such regional unevenness greater than the disparities that exist among states, or in relation to the leverage of civil society or business/finance actors?

Without question, the boldest, most successful international institution-building process has taken place over the last five decades, within the European setting, eclipsing in important respects both the growth of the UN System and that of Global Economic Governance (the combined operations of the IMF, WB, WTO, as coordinated with treasury officials of

[44] On "legalization," see Judith Goldstein, Miles Kahler, Robert O. Keohane, and Anne-Marie Slaughter, "Legalization and World Poltics," *International Organization* 54 (2000), pp. 385–389.

leading economies).[45] Such a process has the intriguing feature of arising from the relation among the states that generated and dominated most of the Westphalian era, inventing and structuring Euro-centric patterns of ideological, political, economic, and cultural control. Indeed, their loss of dominance due to the results of two world wars, the weakening and collapse of overseas empires, the overshadowing power of the US and Russia, and the self-destructive bloodshed of intra-European cycles of warfare were among the factors that led several notable European visionaries to embrace the regional idea in its more modest and literal form as integrative for Europe and as a hedge against warmaking. The initial benefits of European regionalism were perceived in mainly intra-regional terms as post-war reconstruction and as a mean to weaken inter-state rivalries that had led to the recurrence of large-scale destructive wars. More recently, this European embrace has also been advocated as a way of both competing with and resisting the adverse impacts of economic and cultural globalization. It has proceeded so far as to give rise to various analogies to state-building precursors and to anticipations of an emergent European polity operating within a constitutional framework, engendering loyalty and political identity.

The outcome in Europe and its wider relationships to other regionalism remains uncertain, and is likely to remain so for several more decades. Nevertheless, to the extent that European regionalism is perceived elsewhere as a success, it is likely to be replicated, although with dramatic adjustments taking account of the particularities of culture, geography, stage of development, styles of governance, and policy priorities. Regionalism presupposes the will and capacity of states to engage cooperatively, and thus involves some minimum degree of mutual respect and perception of equal benefits and burdens. With the spread of human rights and democratic forms of governance, these preconditions are being met. Also, with globalization being perceived as posing a threat to cultural identity and as a vehicle for Westernization (and even Americanization), regionalism presents itself as a line of defense. It aggregates the capabilities of distinct states engaged in bilateral relations and in collective efforts to insulate such civilizational groupings from unwanted extra-regional encroachments. The assertive side of regionalism posits "Asian values" or "Islam" as transnational bonding that validates and intensifies regional claims of identity, and underpins calls for a dialogue of civilizations. From a hegemonic

[45] My thinking here is influenced by Björn Hettne, especially "Globalization and the New Regionalism: The Second Great Transformation," in Björn Hettne, András Inotai and Osvaldo Sunkel (eds.), *Globalism and the New Regionalism* (New York: St. Martin's, 1999), pp. 1–24.

perspective such regionalism is seen as antagonistic, leading to a "clash of civilizations" and an era of "culture wars." Beyond these differing lines of interpretation, regionalist understandings move beyond Westphalian categories by positing the significance and potentialities of non-statist criteria as essential to the construction of our image of world order. Their prominence is itself evidence of a post-Westphalian emergence.

However, as Björn Hettne helpfully suggests, drawing on Karl Polanyi, part of the regionalist impulse needs to be seen in the historical shadow being cast by globalization, especially its weakening of the territorial autonomy of the state, and diminished social expectations relating to the capacity of the state to promote the well-being of its own citizenry. This internationalization of the state, converting it primarily into a non-territorial instrument facilitating the expansion of the world market, gives rise to an effort to recover a territorial base for autonomous action that can better relate governance to people. Regionalism in Europe, and even in Asia and Latin America is achieving and may in the future achieve more impressive results. And in more extreme settings of Africa and the Caribbean, even without the juggernaught of globalization, regionalism offers some aggregation of influence to mitigate the extreme weakness of the states constituting "the region."

Yet regionalism is not unconditionally beneficial. It could be the prelude to the establishment of enclaves of reaction in the world that reject the universalizing influence of the human rights discourse. Such possibilities definitely seem to cast a shadow over Asian regionalism, which in other respects seems promising. But the insulation of China from criticism, the "constructive engagement" of Burma, and the opposition to UN efforts to mount justifiable humanitarian interventions as in the Balkans, suggests that regionalism can operate in a reactionary manner with respect to the pursuit of normative goals.

Regionalism may produce new dangerous forms of conflict, and withdraw energies and resources from the UN System. It may also excuse the richer countries from duties toward poorer regions that are experiencing a variety of humanitarian catastrophes, particularly Africa. As such, regionalism works against the sort of human solidarity needed to take on such global challenges as global warming, ocean pollution, and the militarization of space.

It should be appreciated that the linear growth of regionalism, even in Europe, cannot be assumed. A reversible of trends is quite possible, particularly if the world economy performs poorly, if regionalization does not seem to benefit a particular country, and if nationalistic sentiments grow stronger as a backlash to immigration and other unwanted developments

attributable to regionalism and globalization. In this regard, it may be too soon to dismiss the possibility of a return to a more decidedly Westphalian framework even within the wider context of globalization, which unlike regionalism, does not seem reversible. There are presently indications that in Europe regionalism is far more popular among elites than with the citizenry of the respective countries. European regionalism will be tested in the years ahead by the ambitious monetary innovations, especially the replacement of national currencies by the Euro. If this succeeds, it is likely to provide the foundation for strengthening other dimensions of European regionalism, and of influencing non-European regionalisms to move ahead, but if it fails, the dampening effect in Europe and elsewhere could be quite dramatic.

Europe currently offers the best arena within which to assess the historical and normative relevance of regionalism as a post-Westphalian enhancement of world order. The protection of human rights, the provision of safety nets to address issues of poverty and unemployment, the sense of ethnic autonomy for minorities that displaces their secessionist demands, the mobility of labor as more comparable to the mobility of capital, the formation of a citizenry that is multi-ethnic, multi-national while retaining its statist and nationalist bonds of primary affiliation, and a prosperous peace system are among the yardsticks by which to assess whether Europe lives up to its promise, or even exceeds what it now seems to be.

A Concluding Note

A definite post-Westphalian scenario is not likely to take shape within the next decade or so, and thus the contours of a new emergent world order are likely to change dramatically as the structure and dynamics of globalization evolve in the years ahead. The global setting is very unstable due to the impact of dramatic technological shifts and the volatility of market forces in an under-regulated world economy. In this regard, the immediate situation calls upon us to acknowledge the double reality of a Neo-Westphalian world order of the sort described above and of a more distant emergent Post-Westphalian world order that could move in either positive or negative directions (as appraised from the perspective of humane global governance). What seems least likely is for the classical framing of international relations in Westphalian terms to be regarded as satisfactory in either policymaking or academic circles. The pace and direction of transition to a post-Westphalian world will depend upon many factors: the degree to which elites can legitimize globalization-from-above, the extent to which the anti-globalization movement can collaborate with

governmental forces that are dissatisfied with the manner in which the world economy is functioning, the creativity of reformist and transformative politics within regional and global arenas, and the extent to which the state can demonstrate its problem-solving competence in response to a variety of global challenge (global warming, transnational crime, genocide, illegal immigration and refugees).

The agents of positive change are in the process of formation. There are in the background the well-established transnational NGOs that have been active and effective with respect to human rights (especially, on civil liberties, racial discrimination, and gender issues) and environment. In the foreground are more amorphous civil society actors that have been on the front lines of the struggle against various manifestations of corporate globalization, whether in local efforts to oppose large dams or with respect to global policymaking arenas such as the gathering points for the G-8 or the World Economic Forum. The potency and impact of this activism cannot now be discerned in any very clear way. The success of these efforts will largely depend on the ability to form collaborative and durable relationships with those governments that share a commitment to the establishment of humane global governance. It will also depend on the capacity to shape a consensus in global civil society that is dedicated to democratization and the repudiation of tactical violence.

What seems likely to persist in various formats is the struggle to deepen and extend democratic practices and procedures. This struggle is likely to consist of a series of rather divergent regional and global initiatives and experiments involving the specific interplay of state, market, region, and world. These divergencies will reflect varying cultural circumstances that are freighted with a range of historical memories, and increasingly agitated by a revival of religious influence in different guises that are often closely linked to nationalist and civilizational revivalism. Also of importance are the perceived impacts of environmental tendencies and technological breakthroughs, especially with respect to the adequacy of prevailing regulatory frameworks to protect short and intermediate term human health and well-being, and with respect to identifying the limiting conditions of humanity (cloning, robots).

A main argument here is that Westphalian modes of regulatory authority are already insufficient and will turn out to be more so in the future, but that Westphalian resistance to adjustments by the leading centers of state power will remain formidable, blocking creative innovations. In the face of this reality, the movement for humane global governance (the preferred post-Westphalian scenario) is likely to grow stronger, but may be inclined to aim for and accept neo-Westphalian modi-

fications of statism that realize the normative (ethical and legal) potential of statist world. This reformist prospect will in turn be strengthened and guided by the existence of a lively and plausible, if visionary, understanding of a post-Westphalian architecture constructed by reference to the premises of humane global governance. Indeed, such world order inconclusiveness is an insignia of this era!

September 11, 2001, and its aftermath have greatly complicated this assessment of the Westphalia/Post-Westphalia interface, both seeming to revive a statist preoccupation with global security and to posit additional post-Westphalian alternative forms of global governance. At present, from the standpoint of humane global governance as a normative goal, these prospects are all troublesome, or worse. Megaterrorism undermines the state by its ability to exploit the vulnerabilities of modernity, but the hegemonic backlash controlled by the US is validated, and to some extent supported by governments around the world, because it seems like the only viable means to restore security for states in general. But the clash of September 11, 2001, is essentially between two opposed universalist conceptions of world order that are both deeply at odds with the Westphalian ethos of pluralism based on the sovereignty of territorial political communities. Osama bin Laden has projected a universalizing Islam that regards the Islamic world as corrupted by fragmentation brought about by superseding the caliphate based on unity with the corrupting establishment of sovereign states. George W. Bush, while hardly a visionary, has articulated the US response as one of global military dominance, including the authority to wage preemptive war against those political communities that pose any sort of threat to such an imperial blueprint. From the normative perspective developed to consider post-Westphalian prospects, the September 11, 2001, impact has been decidedly dysuptopic up to this point, combining the most destructive features of Westphalia with the most dismal conceptions of an emergent historical sequel. Whether this impact will be overcome, or shifted in emphasis, in the years ahead is impossible to discern. Perhaps we should take heart that the worst, even if given a measure of temporary plausibility, has been evaded in recent world history: the cold war heightened geopolitical tensions for more than four decades without inducing World War III or the use of nuclear weapons; the Y2K scare proved to be a will of the wisp; and so far, despite prophesies of doom, pollution and environmental decay, have been held in check.

The inquiry into the future of world order will depend on the degree to which democratic energies arise in sufficiently robust forms to redirect the response to September 11, 2001, in more positive directions, addressing legitimate grievances of the peoples of the world and building security

around the values and institutions of humane global governance. Relating this prospect to the argument of the article, the future can evolve positively either as a new stage of a fundamentally Westphalian world of sovereign states or "the moment" when regionalism and globalism provide political communities with their security and identity to such an extent that it would be appropriate to label as post-Westphalian the new reality.

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